



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider retaining the firm of Dufour and Associates of Sacramento to assist in obtaining from the State Department of Health Services an extension/waiver of time limits for installation of dibromochloropropane (DBCP) filters.

MEETING DATE: April 15, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of retaining the firm of Dufour and Associates (Sacramento) to assist in seeking from the State Department of Health Services an extension/waiver of time limits for installation of DBCP filters.

BACKGROUND: The City of Lodi is presently going forward with litigation against the various manufacturers of DBCP. In the meantime, we are still obligated pursuant to our operating permit from and orders of the State Department of Health Services to continue with installation of the granular activated carbon filters on some of the City's water wells found to contain DBCP. The costs and other considerations associated with these installations has been discussed at length recently.

While the litigation goes forward, it may be in our best interests to also explore the possibility of relief by way of the administrative process. On April 6, 1992, City Manager Tom Peterson, Public Works Director Jack Ronsko and myself met with Jim Dufour to discuss that possibility. Mr. Dufour is of the opinion that it may be possible, using the State administrative process, to obtain from the State Department of Health Services a waiver or extension of time in which the DBCP filters must be installed. That period could be from 12 to 36 months and might offer several advantages.

First, the DBCP levels in some City wells may drop in 36 months and might bring them into compliance without the necessity of a filter. The time could also allow the City to explore amending the regulations or orders. The state of available technology continues to improve and during the extension, we might find a better and more economical solution. Also, if we don't have to put the filters on immediately, there would be no interest accruing on the loan received from the State.

APPROVED _____

THOMAS A PETERSON
City Manager

REC-10000 PAPER

DBCP11/TXTA.01V

CC 1

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of Sacramento to assist in obtaining from the State
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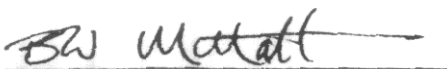
If no extension is received. the City will be obligated to continue installing the filters. One-half of our non-compliance wells must be brought into compliance by October 1, 1992, and the deadline for complete remediation is April 1, 1993.

Hr. Oufour's firm specializes in matters of this nature and his experience covers over 20 years. Hourly rates are \$170 and it is his estimate that it would cost between \$5 and \$10 thousand to handle this matter all the way through a decision by the Office of Administrative Law.

Council consideration is requested.

FUNDING: Account 010-035.01(320)

Respectfully submitted,


Bob McNatt
City Attorney

BM/vc

CITY COUNCIL

JAMES W. PINKERTON, Mayor

PHILLIP A. PENNING

Mayor Pro Tempore

DAVID M. HINCHMAN

JACK A. SIEGLOCK

JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

PO BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

HI (209) 333-6795

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

April 17, 1992

James T. Dufour, Esquire
Dufour *b* Associates
819 F Street
P. O. Box 867
Sacramento, CA 95812-0867

Subject: RETENTION OF SERVICES

Dear Jim:

As we discussed in our conference call of April 17, 1992, this will confirm that the Lodi City Council at its meeting of April 15, 1992 authorized the retention of your firm to represent the City in administrative proceedings on our water permit.

This letter was prepared in lieu of a purchase order, and the retention shall be on those terms and conditions contained in your letter to *me* of April 8, 1992.

I look forward to working with you on this matter.

Sincerely yours,



BOB W. McNATT
City Attorney

BM:vc

DBCP11.1/TXTA.01V

DUFOUR & ASSOCIATES

ATTORNEYS AT LAW

JAMES T. DUFOUR

KEVIN J. BURDICK

KEN DAVIS,
GOVERNMENT RELATIONS CONSULTANT

511 E. STREET
SACRAMENTO, CA
95814

PHONE 554-8217
FAX 554-8250

APR 10 1992
City Attorney's Office

W

April 8, 1992

Mr. Bob McNatt
City Attorney
City of Lodi
221 W. Pine Street
Cal Box 3006
Lodi, CA 95241

Re: Counsel and Reoresenlation on DBCP Issue

Dear Mr. McNatt:

It was a pleasure meeting with you and your colleagues of the City of **Lodi**. I believe **we** had **a** most productive meeting in terms of discussing various alternatives **to** the large and possibly unnecessary expenditures to install treatment systems **to** address potential DBCP contamination.

As we discussed at **the** meeting and by telephone yesterday. I would **be** most interested in further researching and developing some of the ideas discussed into **an** effective plan to assist the City to minimize unnecessary expenditures.

The basic approach outlined would include exhausting administrative remedies by:

- ✓ Preparing a variance petition based on provisions of the Health and Safety Code and Federal EPA regulations. This action has potential for success **but**, in any event, would legally postpone deadlines. There would **be** legal/regulatory arguments, **as** well **as** scientific ones because the main consideration is "no **unreasonable risk** to health".
- ✓ Thoroughly reviewing the Title **22** rulemaking which established the monitoring techniques enforced by **DHS** to determine whether statutory authority was **exceeded** or whether the **rule** is inconsistent with state and federal law and regulations with respect **to** application of MCLs for groundwater-supplied water systems. The result if defects in **the** regulations can be found, would **be** a petition to the State **Office** of **Administrative** Law to invalidate the **regulation** (and possibly a petition to DHS to amend the regulation on its own initiative).

Mr. Bob McNatt

April X. 1992

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- ✓ If these efforts are denied by the agencies, but sufficiently persuasive from the City's perspective, a judicial review in Superior Court ~~would be recommended~~. This avenue may offer the best chance for relief based on the Health and Safety Code § 4037 provision for "independent judgment of evidence standard" or de novo review. Given recognition of this fact, the DHS may ~~be~~ willing to more favorably consider the variance option as well.
- ✓ Finally, while these alternative remedies are being pursued, we will **propose** some related activities which, with political support, may assist in a more appropriate solution to the problem - state superfund suppon for diversion or environmental treatment of ~~the~~ groundwater.

As we discussed, an estimate of fees for providing the City administrative law advice and counsel along the lines discussed would be in the range of \$5,000 to \$10,000. We would bill the City at our customary hourly rates of \$170 per hour for Senior Environmental Attorney and \$120 per hour for Associate Environmental Attorney. plus reasonable and ordinary expenses.

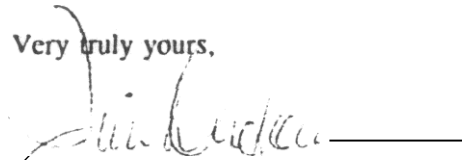
I believe our **firm** is uniquely qualified to assist ~~the~~ City in this ~~matter~~ given our combination of administrative law and technical credentials and experience. I have ~~spent~~ the last **14 years** since graduation from law school involved in various **areas of** environmental regulatory agency actions, ranging **from** permitting issues, rulemakings, enforcement defense, variances, legislation drafting and lobbying. I have enclosed a copy of my resume and a brief statement of qualifications of our unique **firm**.

~~Please~~ let me know if you require any additional information or if I can ~~respond~~ to any questions.

I understand that the City Council will make ~~a~~ decision ~~on~~ this matter on **April 15, 1992** and, if retained, I will attend a meeting of a special committee to consider this matter ~~on~~ **April 21, 1992 at 9:00 a.m.**

I am looking forward ~~to~~ working with you on this important issue for the City of **Lodi**.

Very truly yours,


JAMES T. DUFOUR

JTD:kmb

Enclosures

LETTER McNATT COI

DUFOUR & ASSOCIATES

ATTORNEYS AT LAW

JAMES T. DUFOUR

KEVIN J. BURDICK

MICHAEL R. DRAYTON

KEN DAVIS
GOVERNMENT RELATIONS CONSULTANT

819 F STREET
SACRAMENTO, CA
95814

(916) 554-3247
FAX (916) 554-3250

QUALIFICATIONS AND CAPABILITIES

Dufour & Associates, Attorneys at Law, affiliated with Dufour Environmental & Resource Management, is a multi-disciplined law, government relations and consulting firm founded in 1987 which provides a variety of programs and services for businesses throughout California. This firm has expertise in the areas of environmental, administrative and agricultural law and related litigation; environmental and OSHA regulatory compliance; legislative and regulatory advocacy; toxicology and certified industrial hygiene; environmental project management; and environmental assessments of property.

Law Firm Service Areas - Summary

- ◆ Administrative Law: Rulemaking, appeals, variance and permitting issues.
- ◆ Judicial Review: Mandamus proceedings, appeals.
- ◆ Prosecution Defense: Civil and criminal actions by the Attorney General and District Attorney; for example, Proposition 65 and hazardous waste violations.
- ◆ Regulatory Agency Enforcement Defense: Cal/OSHA, Department of Toxic Substances Control (hazardous waste), Regional Water Quality Control Boards, Air Quality Management and Air Pollution Control Districts.
- ◆ Legislative: Bill drafting, analysis, lobbying.
- ◆ Private Causes of Action: Property transactions with environmental problems, responsible party cleanup cost recoveries.
- ◆ Commercial product regulatory compliance, product liability and safety/environmental representations.
- ◆ Workers' compensation defense and cost minimization.

Dufour & Associates has established a unique and successful law practice and government relations business based on the combined legal and technical talents of our professional staff. Our standards of performance and commitment to service surpass the standards of other firms in this demanding and ever-changing field. We are cognizant of the limited resources of many clients, therefore, we strive for the most cost-effective methods to meet business and environmental objectives.

A Proven Commitment to Business

Our commitment to business **goes** beyond the traditional standard of client service. We are dedicated business advocates and **have** fought for reasonable regulatory standards and a more common sense **approach** to government. That's why organizations such as the California Chamber of Commerce have retained Dufour & Associates to represent their interests before the **state** legislature and regulatory agencies.

The following is a more detailed description **of** Dufour & Associates' services:

Environmental and OSHA Law

Uniquely qualified with both legal and technical credentials, the law firm **of** Dufour & Associates has **expertise** in the areas of **environmental**, **agricultural** and administrative law. This practice **has** been based on Jim Dufour's wide recognition as **an expert** in the demanding and everchanging field **of** environmental law. Our **select** group of attorneys and **support** professionals have **the** knowledge and experience necessary **to** develop innovative and effective legal strategies.

Dufour & Associates offers exceptional representation in the areas of product liability, property transactions, and other important **risk** management decisions, while providing the **attorney/client** confidentiality essential in today's legal **climate**. Dufour & Associates also has specific **expertise** in representing **clients** before regulatory agencies and **recovering** costs for environmental cleanups. Michael Drayton also has excellent experience in environmental, property and commercial litigation.

Government Relations

Dufour & Associates' government relations team are experienced professionals in the field of legislative advocacy and regulatory **affairs**. California's political climate has changed dramatically. **No longer** can government relations programs rely on campaign contributions and **gratuities** to be successful. Today, **success depends** on knowledge, not influence. Dufour & Associates' government relations staff is uniquely qualified to develop persuasive government relations strategies based on facts and sound arguments. Capabilities in **the** areas of **toxics**, industrial relations, air and water quality, and agriculture have **earned us** the reputation as one of the most effective government relations firms with environmental expertise in **California**. Ken Davis serves as the firm's government relations consultant.

Workers' Compensation

To complement services in the **related** areas of Cal/OSHA compliance and **defense** and business advice and counsel, the firm has recently expanded its practice **to** include **workers'** compensation. Kevin Burdick, who is an experienced workers' **compensation** applicant and defense attorney and also trained as an insurance company loss prevention industrial hygienist, is responsible for this area **of** practice. Services include cost containment, including medical management of claims, premium review, carrier oversight and claims defense.

Business Advice and Counsel

Dufour & Associates integrates the disciplines of law, science and business economics to help businesses effectively manage environmental, human and economic resources; assist businesses in establishing manageable environmental compliance programs; offer employee safety training and business education programs on a variety of important subjects; and find innovative solutions to costly generation and disposal of hazardous wastes.

Additional Business Services Provided by Dufour Environmental & Resource Management, Consultants

Project Management. When faced with an environmental cleanup or agency investigation, many businesses find themselves at the mercy of the government without knowing what options exist. The Dufour Group has the capabilities to provide comprehensive environmental project management with the proven ability to negotiate low cost investigations and cleanups.

Compliance Programs. The Dufour Group offers complete, 'turn key' regulatory compliance programs for Hazard Communication, OSHA Safety Standards, Community Right-to-Know, and Proposition 65. Each program is individually designed to meet the specific needs of each client. Dufour's unique Chemical Inventory and Reporting Program makes complex and time consuming regulatory requirements simple and worry-free.

Hazardous Waste Management and Permitting. Dufour has developed hazardous waste management and minimization plans that have saved clients a substantial amount of money in permit and disposal fees. Dufour also works with clients to minimize hazardous substance risk and third party liability.

Facility Evaluations. The Dufour Group's environmental specialists conduct comprehensive regulatory compliance audits for businesses of all types. These check ups include Community Right-to-Know and Emergency Response, Hazard Communication, Hazardous Waste Handling and Disposal, Proposition 65 and other environmental and OSHA regulatory programs.

Property Assessments. Today, an environmental assessment is essential in any commercial property transaction. Dufour offers comprehensive risk assessments in terms of potential contamination of soil or groundwater. Instead of merely stating what problems may exist, Dufour can provide a detailed, cost-effective strategy to restore the property to a viable state.

Education and Training. One of the most important missions of the Dufour Group is to show businesses the easiest, most cost-effective means of regulatory compliance. Business Education & Training Institute, an affiliate of Dufour Environmental & Resource Management, offers a complete program of courses in the field of environmental and OSHA law and regulation. Through Business Education & Training Institute, Dufour's educational programs have helped

literally thousands of business managers and owners understand environmental and **OSHA** compliance. Dufour also produces industry specific training and education programs for businesses and trade associations. These programs **focus** on the specific regulatory requirements for a particular type of business. The typical program includes the production of a custom made regulatory compliance manual and the presentation of a series of workshops.

What the Dufour Group Can Do For You...

- ◆ **Reduce Hazardous Waste.** Dufour has developed programs for clients that have reduced their hazardous waste generation by over 90 percent. **This alone** has saved **these** firms literally thousands of dollars in annual waste disposal fees.
- ◆ **Simplify Regulatory Compliance.** Dufour has shown many clients how to consolidate their employee training and chemical inventory requirements into **one** program that meets the specifications of several different regulations.
- ◆ **Manage** Cost-Effective Cleanups. Dufour has demonstrated, **on** numerous occasions, the ability to develop and gain government approval for cost-effective environmental cleanup projects that have saved clients thousands of dollars. **These** projects have included soil and groundwater investigations, underground tank removals, soil excavations and **waste** treatment.
- ◆ **Keep** Everyone Honest (consultants, contractors and government agencies). Dufour has effectively challenged excessive and costly workplans and negotiated low **cost** site investigations and cleanup projects. In some instances, government agencies have been arbitrary or inconsistent in their interpretation of the laws and regulations.
- ◆ **Restore Property** Value. When clients have **been** unable to sell commercial property **because of** environmental contamination, Dufour has developed and managed cost-effective cleanup projects that **restored** the value **of** the property.
- ◆ **Recover Cleanup and Legal Costs.** The Dufour Group has helped clients who **were** faced with the environmental cleanup of property contaminated by a previous owner or lessee. Negotiated cost-effective cleanup plans, management of cleanup operations, and recovery of costs **of** the cleanup from the responsible parties **is the** typical strategy recommended to clients or laws-firms representing clients.

Staff and Capabilities

James T. Dufour, Attorney, Certified Industrial Hygienist and Registered Environmental Assessor. Mr. Dufour has 20 years of environmental and OSHA compliance experience with a major chemical company, federal government and in private practice. Jim Dufour is highly-regarded as an environmental strategist and advisor, providing his clients with a complete package of environmental and occupational health and safety services.

In addition, Mr. Dufour is the author and editor of eight widely-acclaimed publications on environmental and OSHA compliance. He is also the principal instructor for the popular environmental and OSHA seminar series offered through Business Education & Training Institute and the California Chamber of Commerce. Literally thousands of business managers have benefitted from Mr. Dufour's presentations and publications on environmental compliance.

Kevin J. Burdick, Associate Attorney. Mr. Burdick is an attorney who specializes in Cal/OSHA, workers' compensation, and other regulatory agency matters. His background includes insurance loss control industry experience and eight years of private legal practice. He will be working on administrative law matters (claims and enforcements), as well as civil and criminal defense cases.

Michael R. Drayton, Associate Attorney. Mr. Drayton is an attorney with exceptional business transaction and pre-trial civil litigation experience during his three years as a practicing attorney. Prior to this, Mr. Drayton was a law clerk and intern to Federal District Court Judge William Ingram during his legal education. Mr. Drayton will be involved in many of the matters handled by the firm, but will focus on commercial real property transactions and environmental problems in this area.

Kenneth A. Davis, Government Relations Consultant. Mr. Davis' expertise includes a wide range of environmental issues, including air quality, Cal/OSHA, hazardous and solid wastes as a corporate government affairs manager, independent contract lobbyist and national association's regional manager.

Allan W. Ader, Ph.D., Consulting Toxicologist, is a Board Certified Toxicologist and an Industrial Hygienist with over 12 years of directly related experience in the chemical industry and in a consulting capacity. He has numerous publications and articles in the field of toxicology and chemical exposure hazards. More importantly, Dr. Ader has developed specific product safety and hazard communication information, and authored numerous chemical and product specific risk assessments.

Michael J. Hurley, Manager, Environmental Regulations and Training. Mr. Hurley is certified by the Office of Emergency Services, California Specialized Training Institute as an instructor in Emergency Response and Emergency Scene Management. He has over nine years experience in emergency response supervision, hazardous materials management, and regulatory analysis. Mr. Hurley's responsibilities include developing site-specific certified training

programs in emergency response and hazardous materials management. In addition, he is responsible ~~for~~ environmental and Cal/OSHA regulation analyses, compliance program preparation and technical research writing.

Debralee Merchant, Manager, Environmental, Safety and Health Programs. Ms. Merchant is responsible ~~for~~ preparing business plans and hazardous materials inventories, and completing OSHA and environmental audits, employee right-to-know training programs, and injury and illness prevention programs. She has over ten years of experience as a hazardous materials specialist.

Colin Donaldson, Safety & Health Consultant and Training Specialist. Mr. Donaldson is a safety engineer with expertise in OSHA compliance training. He has over 25 years of experience in the chemical manufacturing industry as a chemist, safety specialist and plant manager.

Jeannie M. Hayes, Executive Director, Educational Programs. Ms. Hayes is responsible for directing the programs offered through Business Education & Training Institute. This includes coordinating all meetings and conferences, preparation of instructional materials, and on-site meeting management.

Support Services

Dufour & Associates has the support services necessary to provide the highest quality of programs for our clients.

- ◆ The Dufour Group owns two office buildings in downtown Sacramento convenient to the State Capitol, government agencies and courts.
- ◆ Highly-qualified and competent secretarial and paralegal staff.
- ◆ State-of-the-art data processing, production and communications equipment.
- ◆ Complete environmental law library, including California Codes, Regulations and periodical subscriptions to keep clients informed of current developments in this important area.

Dufour & Associates has established an extraordinary reputation in a short period, helping hundreds of clients meet complicated environmental requirements, resolve enforcement cases and effectively address environmental problems associated with property transactions and government-ordered cleanups.

In order to meet the specific needs of each client, the firm also maintains a professional association with toxicologists, geologists, soil scientists, abatement contractors and analytical laboratories.

REPRESENTATIVE **CLIENT** LIST

Manufacturing and Distribution

Advanced Micm Devices (AMD)
Eandini Fertilizer Co.
W.M. Barr Company
Bix Manufacturing, Inc.
CTS Electronics
Ceradyne, Inc.
Crews Evaporator & Drier Co.
DENKA
Dimare Company
Dynamis Inc.
The Flecto Company
Honeywell
Laminations Corporation
Lockheed
MOC Products, Inc.
Nissan Motor Corporation in U.S.A.
Orchard Supply **Hardware**
Pacific Coast Building products
Progressive Circuit Products, Inc.
Radiant Color, Inc., a Magruder
Color Company
R.J. Reynolds, Inc.
Riverside Highland Water **Co.**
Stauffer Chemical Company
Sterling Drugs (Lysol and d-Con
divisions)
Valley Brass, Inc.

Utilities & Technology Companies

Amgen Inc.
Ebara International Corporation
Energy Absorption Systems
Kellogg Supply, Inc.
Mercury Technologies, Inc.
ORMAT, Inc.
Roseville Telephone Company

Trade Associations

California Association of Landscape
Contractors
California Association **of** Roofing
Contractors
California Chamber of Commerce
California Fabricare Institute
California Fertilizer Association
California Floor Covering Institute
California Grain and Feed Association
California Piping & Plumbing Council
California Seed Association
California Sheet Metal & Air Conditioning
National Association (SMACNA)
Construction Industrial Legislative Council
Milk Producers Council
Northern California Auto Dismantlers
Association
Semiconductor Industry Association
Southern California Glass Management
Association

Consulting Firms & Real Estate Developers

Ahmanson Developments, Inc.
Anderson Geotechnical
Brunsing **Associates**
Don Chapin Company
Dermody Developments Co.
ERM, Inc.
McLaren Engineering
SEA Consulting Engineers, Inc.
Terratech

JAMES T. DUFOUR

PROFESSIONAL FIELD

Environmental Attorney, Certified Industrial Hygienist (#1068), Registered Environmental Assessor (#00548)

Admitted to Practice of Law: California. 1983 (#113111)
 Tennessee. 1978 (#006139)

EDUCATION

- B.S., Pre-med curriculum, University of Michigan. 1970.
- M.S. in Public Health, University of Michigan, 1972.
- Doctor of Jurisprudence (J.D.), Member of Law Review, University of Tennessee
- College of Law, Knoxville, Tennessee, 1978,

AREAS OF EXPERTISE:

- Administrative Law, Notice of Violation Defense, Rulemaking Hearings
- Regulatory Appeals/Office of Administrative Law Rulemaking Reviews
- Civil Litigation Consultant, Environmental and Toxic Tort Cases
Environmental and Cal/OSHA Enforcement Actions
- Chemical and Pesticide Product Use, Testing, and Regulations
- Contaminated Site Investigations. Clean-up Criteria, and Negotiations
- Environmental/OSHA Compliance Audit:
- Publications, Seminars and Employee Training Materials
- Safety and Health Plans and Training for Hazard Waste Site Investigations
Comprehensive Corporate Regulatory Compliance and Government Relations Strategies
OSHA-Related Labor Relations Issues

PROFESSIONAL EXPERIENCE:

- Currently: Environmental Attorney, Dufour & Associates, Attorneys at Law. Principal of a three lawyer and **one** lobbyist law practice which specializes in environmental and Cal/OSHA defense work, civil litigation associated with environmental problems, government relations and lobbying. and business transaction advice and **counsel**.
- President, Dufour **Environmental &** Resource Management. President **of** this specialized environmental and OSHA consulting business. Dufour Environmental & Resource Management provides consulting services in the environmental and OSHA areas **to** businesses and trade associations. Through its educational subsidiary: Business Education & Training Institute. it develops publications, training programs and conducts seminars for private clients and other interested business **representatives**.
- 1985 - 1986:** Counsel, Environmental and Labor Law, California Chamber of Commerce, Sacramento, **CA**. Legal/technical **expert** on toxics. waste management, air, water. and hazardous material laws and regulations.
- 1985:** Counsel, Environmental and OSHA Affairs. Semiconductor Industry Association. San Jose, **CA**. **Managed** chip manufacturers interface with agencies and **elected** officials **on** cleanups and other environmental and workplace issues.
- 1979 - 1985:** Attorney, Regulatory Affairs, Stauffer Chemical Company, Richmond, CA. Legal/technical **counsel** **on** health and environmental issues involving pesticides and other products. Developed and **managed** compliance programs at Western research and manufacturing facilities. Assistant to the Vice-President, Environmental Affairs. Westport, **CT** (from **1979-1981**); Advised management **on** regulatory and product liability issues.
- 1978 - 1979:** Attorney/Project Manager, JRB Associates, McLean, **VA**. Consultant to EPA, OSHA, and businesses on health and environmental projects, including: litigation support, technical studies. and environmental and OSHA compliance audits.
- 1972 - 1978:** Certified Industrial Hygienist, U.S. Department of Energy (**AEC**) Oak Ridge, TN. Developed OSHA and environmental programs and conducted audits to assure contractor facility compliance with regulatory requirements.

COMMITTEE APPOINTMENTS:

1986 - 1988 **Member**, Cal/OSHA Advisory Committee

1985 - 1986: **Member**, Governor's Task Force on Toxics, Waste Technology

1984 - 1985: Advisor. **EPA** Santa Clara Environmental Management Project

1982 - 1984: Chair, Chemical Industry Council Science Committee

1978 - 1982: Chair, American Industrial Hygiene Association. Law Committee

PUBLICATIONS, REPORTS AND PRESENTATIONS:

ENVIRONMENTAL AUDITS

"How Stauffer Assures Environmental Compliance" presented to the Chemical Manufacturers' Association - Environmental Review Meeting, Atlanta, **GA. January 26, 1982.**

'Environmental Compliance - One Chemical Company's Approach' presented to the Conoco Environmental Council and members of its Board of Directors, Stamford, **CT**, April 21, 1981.

'Environmental Compliance Audits in the Chemical Industry' presented to the American Petroleum Institute's Environmental Manager's Workshop, Washington. D.C., January **22, 1981.**

'An Independent Review of the University of California - Department of Energy Contract Laboratories,' June **7, 1979**, with T. Milby, et al.

REGULATORY

Environmental Compliance Handbooks. Currently published by the California Chamber of Commerce as its Stepby-Step Guides to Environmental Compliance.

"Hazard Communication Handbook." First Edition, May, 1986 Second Edition, May, 1988 (123 pages)

"Hazardous Materials/Community Right-to-Know Handbook," First Edition, May, 1986; Second Edition, August. 1989 (250 pages)

"Hazardous Waste Management Handbook," First Edition, May, 1986; Second Edition, August. 1989 (485 pages)

"Proposition 65 Handbook," First Edition. February, 1988; Second Edition, May, 1989 (**145** pages)

*Cal/OSHA Handbook." First Edition. January, 1990 (336 pages), Editor

"SR 198 Handbook,' First Edition. January. 1991 (157 pages)

"Environmental Compliance Handbook." First Edition, January, 1992(212 pages)

"Regulation of Emissions of Airborne Toxic Substances - Nuisance to Risk Assessment: An Analysis of AB 2588 the California Air Toxics Hot Spots Information and Assessment Act of 1987," Western State Law Review. Volume 16. Number 1, Fall 1988.

"Proposition 65, The Safe Drinking Water and Toxics Enforcement Act: Its Relation to Other Environmental/OSHA Requirements.' Western State Law Review, Fall 1988.

"Employers...You Need to Know" seminars for over 1,500 businesses on hazardous waste management and community and worker right-to-know during 1986 and 1987.

"Testimony of W.C. Jaeschke before the U.S. EPA on Proposed Policy and Procedures for Identifying, Assessing and Regulating Airborne Substances Posing a Risk of Cancer." March 12, 1980. Boston, MA, and the written comments of Stauffer Chemical Company,

"Comments of Stauffer Chemical Company on EEOC/OFCCP Guidelines on Reproductive Hazards in the Workplace." June 30, 1980.

"NPDES Administrative Procedures Manual' for the U.S. EPA Office of Water Enforcement, Washington, D.C., June, 1979. with R. Browne.

RISK ASSESSMENTS

'A critical Review of Risk Assessments" presented to the American Industrial Hygiene Conference; Las Vegas, NV: May, 1985 with D. Paustenbach.

"The Engineer's Role in Protecting Human Health - Legal Aspects." Mechanical Engineering, 106:62-69, August, 1984 with D. Faustenbach:

"Anatomy of Unreasonable Risk' presented by W.C. Jaeschke to the NY Academy of Sciences, March 27, 1980. Published in the Academy's Annals. Volume 363, April 30, 1981. *

"Who determines the Risks Associated with Energy Production' presented by the Sixth Life Sciences Symposium, Los Alamos Scientific Laboratory, Los Alamos, NM. September. 1978. Published in the AIHA Journal. December, 1979. *

"A Decision Logic for the Mead Corporation's Chemical Substance Review Committee.' December, 1978. Author of this JRR report.

* Peer reviewed journal publication

CITY OF LODI
SPECIAL ALLOCATION REQUEST

TO: Finance Director

DATE: April 15, 1992

FROM: City Clerk

PROJECT NUMBER:

Request is made for funds to accomplish the following project which was not included in the current budget:

Description of Project

Estimated Cost

Retention of the firm of Dufour and Associates (Sacramento) to assist in seeking from the State Department of Health Services an **extension/waiver** of time limits for the installation of DBCP filters - not to exceed \$10,000

Funding - Account 18.453.02 (323)

(If you need more space, use additional sheet and attach to this form)

Date of Approval - April 15, 1992

Amount Approved - Not to exceed 510.000

Council XXXXX

City Manager _____

FUND OR ACCOUNT TO BE CHARGED

Current Budget 4 _____ Prior Year Reserve \$ _____

Contingent Fund 4 _____ General Fund Surplus \$ _____

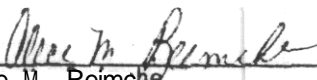
Capital Outlay Reserve \$ _____ Gas Tax Fund \$ _____

Utility Outlay Reserve \$ _____ Other (Election) \$ _____

Hotel/Motel Tax Reserve - \$ _____

General Fund Operating Reserve \$ _____

Dixon Flynn,
Finance Director


Alice M. Reimche
City Clerk

Submit this form in duplicate to the Finance Director. Distribution after approval will be as follows: 1) Originating Department 2) Finance Department



CITY OF LODI

AGENDA TITLE: Consider retaining the firm of Dufour and Associates of Sacramento to assist in obtaining from the State Department of Health Services an extension/waiver of time limits for installation of dibromochloropropane (DBCP) filters.

MEETING DATE: April 15, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of retaining the firm of Dufour and Associates (Sacramento) to assist in seeking from the State Department of Health Services an extension/waiver of time limits for installation of DBCP filters.

BACKGROUND: The City of Lodi is presently going forward with litigation against the various manufacturers of DBCP. In the meantime, we are still obligated pursuant to our operating permit from and orders of the State Department of Health Services to continue with installation of the granular activated carbon filters on some of the City's water wells found to contain DBCP. The costs and other considerations associated with these installations has been discussed at length recently.

While the litigation goes forward, it may be in our best interests to also explore the possibility of relief by way of the administrative process. On April 6, 1992, City Manager Tom Peterson, Public Works Director Jack Ronsko and myself met with Jim Dufour to discuss that possibility. Mr. Dufour is of the opinion that it may be possible, using the State administrative process, to obtain from the State Department of Health Services a waiver or extension of time in which the DBCP filters must be installed. That period could be from 12 to 36 months and might offer several advantages.

First, the DBCP levels in some City wells may drop in 36 months and might bring them into compliance without the necessity of a filter. The time could also allow the City to explore amending the regulations or orders. The state of available technology continues to improve and during the extension, we might find a better and more economical solution. Also, if we don't have to put the filters on immediately, there would be no interest accruing on the loan received from the State.

APPROVED _____

THOMAS A. PETERSON
City Manager

DBCP11/TXTA.01V

CC-1

AGENDA TITLE: Consider retaining the firm of Dufour and Associates
of Sacramento to assist in obtaining from the State
Department of Health Services an extension/waiver of
time limits for installation of dibromochloropropane
(DBCP) filters.
MEETING DATE: April 15, 1992
Page Two


If no extension is received. the City will be obligated to continue installing the filters. One-half of our non-compliance wells must be brought into compliance by October 1, 1992. and the deadline for complete remediation is April 1, 1993.

Mr. Dufour's firm specializes in matters of this nature and hfs experience covers over 20 years. Hourly rates are \$170 and it is his estimate that it would cost between \$5 and \$10 thousand to handle this matter all the way through a decision by the Office of Administrative Law.

Council consideration is requested.

FUNDING: Account ~~010-035.01(320)~~
18-453-02 (323) per Jerry Allen

Respectfully submitted.


Bob McNatt
City Attorney

BM/vc

City Council Meeting
April 15, 1992

#121

CC-90

CC-183 (F)

CITY OF LODI
SPECIAL ALLOCATION REQUEST

TO Finance Director

DATE: April 15, 1992

FROM City Clerk

PROJECT NUMBER: 18.0-453.02-323

Request is made for funds to accomplish the following project which was not included in the current budget:

Description of Project	Estimated Cost
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Retention of the firm of Dufour and Associates (Sacramento) to assist in seeking from the State Department of Health Services an extension/waiver of time limits for the installation of OBCP fitters	not to exceed \$10.000
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Funding - Account 18.453.02 (323)

(If you need more space, use additional sheet and attach to this form)

Date of Approval - April 15, 1992

Amount Approved - Not to exceed \$10,000

Council: XXXXX

City Manager _____

FUND OR ACCOUNT TO BE CHARGED

Current Budget \$ _____ Prior Year Reserve \$ _____

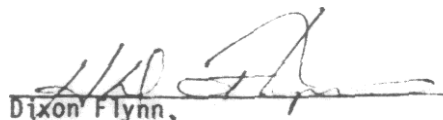
Contingent Fund \$ _____ General Fund Surplus \$ _____


Capital Outlay Reserve \$ _____ Gas Tax Fund \$ _____

Utility Outlay Reserve \$ _____ Other (Election) \$ _____

Hotel/Motel Tax Reserve - \$ _____

General Fund Operating Reserve \$ _____


Dixon Flynn,
Finance Director


Alice M. Reimche
City Clerk

Submit this form in duplicate to the Finance Director. Distribution after approval will be as follows: 1) Originating Department 2) Finance Department